

United States Courts
Southern District of Texas
FILED

Case No. 4-20-AU-1777
(The Clerk of the convicting court will fill this line in.)

MAY 21 2020

David J. Bradley, Clerk of Court

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

NAME: Martel Black

DATE OF BIRTH: 8/28/1968

PLACE OF CONFINEMENT: 701 N San Jacinto St (Harris County Jail)

TDCJ-CID NUMBER: N/A SID NUMBER: SPN#01749201

(1) This application concerns (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> a conviction | <input type="checkbox"/> parole |
| <input checked="" type="checkbox"/> a sentence | <input checked="" type="checkbox"/> mandatory supervision |
| <input type="checkbox"/> time credit | <input type="checkbox"/> out-of-time appeal or petition for discretionary review |

(2) What district court entered the judgment of the conviction you want relief from?
(Include the court number and county.)

Harris County Court #5

(3) What was the case number in the trial court?

222483501010

(4) What was the name of the trial judge?

David M. Fleischer

- (5) Were you represented by counsel? If yes, provide the attorney's name:

Cheryl Shooks Brown

- (6) What was the date that the judgment was entered?

Not Sure

- (7) For what offense were you convicted and what was the sentence?

Assault and bodily injury (Sentence 31 days)

- (8) If you were sentenced on more than one count of an indictment in the same court at the same time, what counts were you convicted of and what was the sentence in each count?

Sentenced for assault and bodily injury
for 31 days.

- (9) What was the plea you entered? (Check one.)

guilty-open plea

guilty-plea bargain

not guilty

nolo contendere/no contest

If you entered different pleas to counts in a multi-count indictment, please explain:

- (10) What kind of trial did you have?

no jury

jury for guilt and punishment

jury for guilt, judge for punishment

{ Ask for jury trial
but not sure if
Jury or Judge found
defendant guilty.
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- (11) Did you testify at trial? If yes, at what phase of the trial did you testify?

Trail was not prepared and guilty verdict was entered
per Cheryl Shooks Brown

- (12) Did you appeal from the judgment of conviction?

yes { was not N/A
 notified of }
 any conviction no

If you did appeal, answer the following questions:

(A) What court of appeals did you appeal to? _____

(B) What was the case number? _____

(C) Were you represented by counsel on appeal? If yes, provide the attorney's name:

(D) What was the decision and the date of the decision? _____

- (13) Did you file a petition for discretionary review in the Court of Criminal Appeals?

yes { was not N/A
 aware of }
 any conviction no

If you did file a petition for discretionary review, answer the following questions:

(A) What was the case number? _____

(B) What was the decision and the date of the decision? _____

- (14) Have you previously filed an application for a writ of habeas corpus under Article 11.07 of the Texas Code of Criminal Procedure challenging *this conviction*?

yes no

If you answered yes, answer the following questions:

(A) What was the Court of Criminal Appeals' writ number? _____ N/A

(B) What was the decision and the date of the decision? N/A

(C) Please identify the reason that the current claims were not presented and could not have been presented on your previous application.

N/A

N/A

N/A

N/A

(15) Do you currently have any petition or appeal pending in any other state or federal court?

yes

no

If you answered yes, please provide the name of the court and the case number:

N/A

(16) If you are presenting a claim for time credit, have you exhausted your administrative remedies by presenting your claim to the time credit resolution system of the Texas Department of Criminal Justice? (This requirement applies to any final felony conviction, including state jail felonies)

yes

N/A

no

If you answered yes, answer the following questions:

(A) What date did you present the claim? N/A

(B) Did you receive a decision and, if yes, what was the date of the decision?

N/A

If you answered no, please explain why you have not submitted your claim:

- (17) Beginning on page 6, state *concisely* every legal ground for your claim that you are being unlawfully restrained, and then briefly summarize the facts supporting each ground. You must present each ground on the form application and a brief summary of the facts. *If your grounds and brief summary of the facts have not been presented on the form application, the Court will not consider your grounds.* If you have more than four grounds, use pages 14 and 15 of the form, which you may copy as many times as needed to give you a separate page for each ground, with each ground numbered in sequence. The recitation of the facts supporting each ground must be no longer than the two pages provided for the ground in the form.

You may include with the form a memorandum of law if you want to present legal authorities, but the Court will *not* consider grounds for relief set out in a memorandum of law that were not raised on the form. The citations and argument must be in a memorandum that complies with Texas Rule of Appellate Procedure 73 and does not exceed 15,000 words if computer-generated or 50 pages if not. If you are challenging the validity of your conviction, please include a summary of the facts pertaining to your offense and trial in your memorandum.

GROUND ONE:

The defendant challenged subject-matter jurisdiction on date of trial, and court 5 David M. Fleischer along with Attorney Cheryl Shooks Brown never established court jurisdiction.

FACTS SUPPORTING GROUND ONE:

Defendant was not present in Jury trial the day he was found guilty, defendant was not notified by Attorney Cheryl Shooks Brown and/or Judge David M. Fleisher - Defendant was not notified about probation or sentencing, nor did defendant sign for sentencing or probation. Defendant is unlawfully confined. Defendant only knew that case #222483501010 which he is held unlawfully confined that case 222483501010 were dismissed.

Exhibit A is attached to page(s),
(Exhibit holds two pages (2)pages.)

GROUND TWO:

Charges were filed against defendant without and affidavit signed by magistrate establishing Probable cause before the arrest.

FACTS SUPPORTING GROUND TWO:

No affidavit was filed with Charging instrument.

GROUND THREE:

Defendant was seize on day of arrest without warrant for said charge Violating defendants fourth(4) Amendment right.

FACTS SUPPORTING GROUND THREE:

This was a violation of defendant 4th Amendment right at the initial arrest in case 222483501010 there was no arrest warrant for said charge.

GROUND FOUR:

Defendant (Mark Black) due process was violated Uponed the 14th amendment.

FACTS SUPPORTING GROUND FOUR:

The state of Texas did not follow exact due course of law by filing affidavit for said charge and not issuing a warrant before arrest for said charge.

No warrant was made for public inspection and filed with district clerk on Said Charge.

GROUND:

Defendant (Martel S Black) 8th amendment constitutional right was violated.

FACTS SUPPORTING GROUND:

Defendant is held with no bond. Judge David M. Fleischer and Attorney Cheryl Shooks Brown along with Sheriff Ed Gonzalez failed to safeguard the defendants constitutional right. Defendant is held and unlawfully confined in Sheriff Ed Gonzalez custody without due process.

WHEREFORE, APPLICANT PRAYS THAT THE COURT GRANT APPLICANT RELIEF TO WHICH HE MAY BE ENTITLED IN THIS PROCEEDING.

VERIFICATION

This application must be verified or it will be dismissed for non-compliance. For verification purposes, an applicant is a person filing the application on his or her own behalf. A petitioner is a person filing the application on behalf of an applicant, for example, an applicant's attorney. An inmate is a person who is in custody.

The inmate applicant must sign either the "Oath Before a Notary Public" before a notary public or the "Inmate's Declaration" without a notary public. If the inmate is represented by a licensed attorney, the attorney may sign the "Oath Before a Notary Public" as petitioner and then complete "Petitioner's Information." A non-inmate applicant must sign the "Oath Before a Notary Public" before a notary public unless he is represented by a licensed attorney, in which case the attorney may sign the verification as petitioner.

A non-inmate non-attorney petitioner must sign the "Oath Before a Notary Public" before a notary public and must also complete "Petitioner's Information." An inmate petitioner must sign either the "Oath Before a Notary Public" before a notary public or the "Inmate's Declaration" without a notary public and must also complete the appropriate "Petitioner's Information."

OATH BEFORE A NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF Harris

Talghin Marcel Black, being duly sworn, under oath says: "I am the applicant / petitioner (circle one) in this action and know the contents of the above application for a writ of habeas corpus and, according to my belief, the facts stated in the application are true."

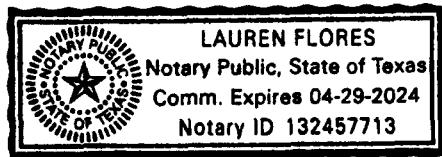


Signature of Applicant / Petitioner (circle one)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF May, 2020.



Signature of Notary Public



PETITIONER'S INFORMATION

Petitioner's printed name: Talghin Marcel Black

State bar number, if applicable: _____

Address: 7575 Bissionnet Apt 330

Houston, Tx 77074

Telephone: _____

Fax: _____

INMATE'S DECLARATION

I, Talghin Marcel Black, am the applicant / petitioner (circle one) and being presently incarcerated in Harris County, declare under penalty of perjury that, according to my belief, the facts stated in the above application are true and correct.

Signed on May 21st, 2020.

Talghin Black

Signature of Applicant / Petitioner (circle one)

PETITIONER'S INFORMATION

Petitioner's printed name: Talghin Marcel Black

Address: 7575 Bissonnet Apt 330
77074 Houston TX

Telephone: 832-938-7353

Fax: _____

Signed on May 21st, 2020.



Signature of Petitioner